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CERTIFIED TRUE COPY

STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF DENTISTRY

IN THE MATTER OF

ROSHANA SHERZOY., D.D.S.  
Licensed No. DI 17665

LICENSED TO PRACTICE  
IN THE STATE OF NEW JERSEY

Administrative Action

FINAL DECISION AND ORDER

This matter was opened to the New Jersey State Board of Dentistry ("the Board") on information received concerning an advertisement placed in the Suburbanite Newspaper that failed to include the name and address or telephone number of any licensee in violation of N.J.A.C. 13:30-8.6(h).

On December 27, 1997, a Uniform Penalty Letter ("UPL") was sent to respondent setting forth the preliminary findings of the Board and offering respondent the opportunity to settle this matter by acknowledging the violation and paying a civil penalty in the amount of \$500.00.

In response to the UPL , respondent requested a hearing regarding the alleged violation of N.J.A.C. 13:30-8.6 (h) which was held on May 6, 1998 and offered testimony in mitigation of the penalty to be assessed by the Board on the charge. Deputy Attorney General Nancy Costello Miller presented the matter on behalf of the State of New Jersey. Respondent appeared on her own behalf.

Respondent testified that she believed it was the newspaper's responsibility to ensure that all advertisements complied with the law. Respondent also advised the Board that a "Val-Pak" advertisement which advertised "pain free" novocaine injections was issued subsequent to the UPL. Respondent testified that she developed her advertisement based on the particular product packaging which stated that the novocaine delivery system was "pain free".

The Board having considered all the evidence in this matter and having heard the testimony offered at the hearing makes the following finding of fact.

#### FINDING OF FACT

1. Roshana Sherzoy, D.D.S. is a dentist in the State of New Jersey and has been a licensee at all times relevant hereto.
2. Roshana Sherzoy, D.D.S. placed an advertisement in the Suburbanite Newspaper which did not include the name and address or telephone number of any licensee.
3. Roshana Sherzoy , D.D.S. placed an advertisement in Val-Pak that claims Novocaine injections are "pain free".

#### CONCLUSION OF LAW

The act described in paragraph number two above constitutes a violation of N.J.A.C. 13:30-8.6(h) which specifically provides grounds for discipline pursuant to N.J.S.A. 45:1-21(h).

IT IS THEREFORE, on this 1<sup>st</sup> day of December, 1999,

ORDERED that:

1. Respondent shall cease and desist from further violations of N.J.A.C. 13:30-8.6(h) and shall not advertise pain-free dentistry as such advertisements may be misleading.
2. Respondent shall pay a civil penalty in the amount of \$500.00 within thirty days of the date of entry of this Order for the violation of N.J.A.C. 13:30-8.6(h).
3. Respondent shall pay costs of the investigation in this matter in the amount of \$62.40 within thirty days of the date of entry of this order.
4. All payments shall be made by certified check or money order payable to the State of New Jersey, delivered to Executive Director Agnes M. Clarke, State Board of Dentistry, 124 Halsey Street, P.O. Box 45005, Newark, New Jersey 07101.

NEW JERSEY STATE BOARD OF DENTISTRY

By: \_\_\_\_\_

Henry Finger, D.D.S.  
President